

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLIE B. BUSH, JR.,)	
)	
Petitioner,)	4:04cv3378
)	
vs.)	MEMORANDUM AND ORDER
)	
STATE OF NEBRASKA,)	
)	
Respondent.)	

This matter is before the court on filing no. 11, the Motion for Summary Judgment filed by the respondent. The petitioner, Charlie B. Bush, Jr., filed a Petition for Writ of Habeas Corpus ("§ 2254 petition") complaining that he was incarcerated on an excessive bond of \$50,000. Now that the respondent has filed the relevant state court records, it turns out that this matter is entirely moot.

The Lancaster County Attorney's Office charged the petitioner with three successive criminal offenses of violating a protection order. The last of the three violations occurred between November 5 and 6, 2004. The Lancaster County Court set an appearance bond of \$50,000 in that case, and the petitioner filed his § 2254 petition in this court on December 14, 2004 protesting the amount of that bond.¹

Subsequently, the District Court of Lancaster County granted the petitioner's request to surrender and receive a return of his bond money. Thereafter, the petitioner appeared as ordered, and on December 29, 2004, he received consecutive jail sentences of 90 days, 180 days, and 180 days, with credit for time served, on the three convictions of violating

¹The petitioner characterized the bond as a supersedeas bond. However, he had not yet been sentenced, and the bond was to ensure his appearance in district court.

the protection order. Those convictions and sentences are not the subject of this habeas corpus case. The matter of the \$50,000 appearance bond is moot.

IT IS THEREFORE ORDERED:

1. That filing no. 11, the respondent's Motion for Summary Judgment, is granted;
2. That the petitioner's § 2254 petition and this action are dismissed with prejudice; and
3. That a separate judgment will be entered accordingly.

DATED this 15th day of April, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge